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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,926	01/29/2002	Wayne Cannon	CISCP709	7542
26541	7590	02/20/2007	EXAMINER	
Cindy S. Kaplan P.O. BOX 2448 SARATOGA, CA 95070			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2142	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/060,926	CANNON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Douglas B. Blair	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9, 11, 13, 14, 16, 18, 19, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9, 11, 13, 14, 16, 18, 19, 22 and 23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/12/2007 has been entered.

***Response to Amendment***

2. Claims 1-9, 11, 13, 14, 16, 18, 19, 22 and 23 are currently pending. Claims 1, 5, 9, and 14 have been amended and claim 21 has been cancelled. The applicant's amendments have overcome the rejections of claims 1, 5, 9, and 14 based on 35 U.S.C. 112, second paragraph.

***Response to Arguments***

3. Applicant's arguments, see Remarks/Arguments, filed 1/12/2007, with respect to the rejection(s) of claim(s) 1-9, 11, 13, 14, 16, 18, 19, 22 and 23 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shtyen.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9, 11, 13-14, 16, 18-19, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,434,447 to Shteyn.

6. As to claim 1, Shteyn teaches a method of managing network elements in a network at a node in the network (**col. 9, lines 3-38, controller 104 is the node**), comprising: providing a network element independent module that includes functions for managing different types of network elements (**col. 9, lines 3-38, the application 110 is the network element independent module**); providing an network element dependent module that includes functions for a specific type of network element and is in communication with the network element independent module (**col. 9, lines 3-38, the abstract representation of the device 108 is the network element dependent module**); and a network management application that calls the functions of the network element independent and dependent modules to manage a plurality of network elements in a network (**col. 9, lines 21-59, shows the management of function calls and col. 3, lines 21-32, shows that a plurality of elements can be managed**); wherein the network management application is operable to request information about a new network element, initialize the network element independent module for the network element, and receive from the new network element and store a new network element dependent module if the network element dependent module of the new network element is different from the network element dependent

modules accessible by the network management application (**col. 3, lines 25-27**); wherein the new network element dependent module, network element independent module and network management application are stored at the node so that the node is operable to communicate directly with the new network element (**col. 9, lines 3-38**).

7. As to claim 2, Shteyn teaches the method of claim 1, wherein the functions of the network element dependent module are executable at run time through dynamic class loading (**col. 7, lines 36-66**).

8. As to claim 3, Shteyn teaches the method of claim 1, wherein the network element dependent module includes specifications of the network element (**col. 9, lines 21-59**).

9. As to claim 4, Shteyn teaches the method of claim 3, wherein the specifications include graphical representation of the network element (**col. 9, lines 3-38**).

10. As to claims 5-8, they feature the same limitations as claims 1-4 and are rejected for the same reasons as claims 1-4.

11. As to claim 9, Shteyn teaches a method of managing network elements in a network at a node in the network comprising: sending a request to a network element for the specific type of the network element (**col. 3, lines 38-67, Level 1 module**); if the specific type of the network element is compatible with the specific type of another network element on the network, utilizing a stored network element dependent module (**col. 3, lines 38-67**); if the specific type of the network element is not compatible with the specific type of another network element on the network: sending a request to the network element for a network element dependent module that includes functions for managing the specific type of the network element (**col. 4, lines 45-66, Level 2 module**); executing the network element dependent module to create an interface to the

network element (**col. 4, lines 45-66**); and utilizing the interface to manage the network element (**col. 4, lines 45-66**); wherein the network element dependent module is executed at the same network element running a network management application (**col. 4, lines 45-66**).

12. As to claim 11, Shteyn teaches the method of claim 9 further comprising sending a request to the network element for the software version of the network element (**col. 4, lines 1-20**).

13. As to claim 13, Shteyn teaches the method of claim 9, further comprising receiving an object change message that there is a new network element on the network (**col. 3, lines 25-27**).

14. As to claims 14, 16, and 18, they feature the same limitations as claims 9, 11, and 13 and are rejected for the same reasons as claims 9, 11, and 13.

15. As to claim 19, Shteyn teaches the method of claim 1 further comprising receiving a packet identifying a new network element and sending an object change message to inform the network management application that there is a new network element (**col. 3, lines 25-27**).

16. As to claim 22, Shteyn teaches the method of claim 1 further comprising receiving a message indicating a topology change in said network and identifying said new network element (**col. 3, lines 25-27**).

17. As to claim 23, Shteyn teaches the method of claim 1 further comprising determining that the new network element type is the same as another network element on said network and utilizing the network element dependent module to manage the new network element (**col. 3, lines 25-27**).

### ***Conclusion***

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

*DBB*

*Andrew Caldwell*  
ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER